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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/805,641	03/20/2004	Manfred Trapp	MB 387	9529

7590 08/24/2005

Klaus Bach
4407 Twin Oaks Drive
Murrysville, PA 15668

EXAMINER

TRAN, BINH Q

ART UNIT	PAPER NUMBER
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3748

DATE MAILED: 08/24/2005

Please find below and/or attached an Office communication concerning this application or proceeding.

T. Tran

Office Action Summary	Application No.	Applicant(s)	
	10/805,641	TRAPP, MANFRED	
	Examiner	Art Unit	
	BINH Q. TRAN	3748	

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --
Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☐ Responsive to communication(s) filed on ____.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-7 is/are pending in the application.
- 4a) Of the above claim(s) ____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) ____ is/are allowed.
- 6) ☒ Claim(s) 1, 2 and 4-7 is/are rejected.
- 7) ☒ Claim(s) 3 is/are objected to.
- 8) ☐ Claim(s) ____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on ____ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
 Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
 Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☒ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some * c) ☒ None of:
1. ☒ Certified copies of the priority documents have been received.
2. ☐ Certified copies of the priority documents have been received in Application No. ____.
3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).
- * See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- | | |
|--|---|
| 1) <input checked="" type="checkbox"/> Notice of References Cited (PTO-892) | 4) <input type="checkbox"/> Interview Summary (PTO-413) |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948) | Paper No(s)/Mail Date. ____. |
| 3) <input checked="" type="checkbox"/> Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08) | 5) <input type="checkbox"/> Notice of Informal Patent Application (PTO-152) |
| Paper No(s)/Mail Date <u>03/20/2004</u> . | 6) <input type="checkbox"/> Other: ____. |

DETAILED ACTION

Claim Rejections - 35 USC § 102

The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(b) the invention was patented or described in a printed publication in this or a foreign country or in public use or on sale in this country, more than one year prior to the date of application for patent in the United States.

(e) the invention was described in (1) an application for patent, published under section 122(b), by another filed in the United States before the invention by the applicant for patent or (2) a patent granted on an application for patent by another filed in the United States before the invention by the applicant for patent, except that an international application filed under the treaty defined in section 351(a) shall have the effects for purposes of this subsection of an application filed in the United States only if the international application designated the United States and was published under Article 21(2) of such treaty in the English language.

(e) the invention was described in a patent granted on an application for patent by another filed in the United States before the invention thereof by the applicant for patent, or on an international application by another who has fulfilled the requirements of paragraphs (1), (2), and (4) of section 371(c) of this title before the invention thereof by the applicant for patent.

The changes made to 35 U.S.C. 102(e) by the American Inventors Protection Act of 1999 (AIPA) and the Intellectual Property and High Technology Technical Amendments Act of 2002 do not apply when the reference is a U.S. patent resulting directly or indirectly from an international application filed before November 29, 2000. Therefore, the prior art date of the reference is determined under 35 U.S.C. 102(e) prior to the amendment by the AIPA (pre-AIPA 35 U.S.C. 102(e)).

Claims 1-2, and 4-7 are rejected under 35 U.S.C. 102 (b) as being anticipated by Everingham et al. (Everingham) (Patent Number 6,453,667).

Regarding claim 1, Everingham discloses a multi-purpose valve (e.g. 30A-D) for supplying secondary air to an exhaust system (Fig. 1) of an internal combustion engine (20), said valve including a valve orifice (See Fig. 12) disposed between an air connection (34) and an

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outlet (36) to the exhaust system, a power-actuated closing member (38, 40) controlling the valve orifice (See Fig. 12) and a non-return valve (e.g. 50, 90, 100, 102) arranged downstream of the closing member (42, 70, 72) in the direction of flow of the air, and baffling devices (48) arranged between the non-return valve (e.g. 50, 90, 100, 102) and the outlet (36) so as to deflect an exhaust gas flow from the outlet (36) into the valve at least once through at least 90° (e.g. See Figs. 1-12; col. 3, lines 20-67; col. 4, lines 1-59; col. 5, lines 25-52).

Regarding claim 2, Everingham further discloses that the baffling devices include a baffle plate which is arranged transversely to a valve orifice and which separates a pre-chamber facing the non-return valve from a deflection chamber connected to the outlet, a passage orifice being arranged, radially offset in relation to the valve orifice of the non-return valve, in the baffle plate (e.g. See Figs. 1-12; col. 3, lines 20-67; col. 4, lines 1-59; col. 5, lines 25-52).

Regarding claim 4, Everingham further discloses that the outlet is arranged as far as possible from the passage orifice in the direction of flow of the exhaust gas (e.g. See Figs. 1-12; col. 3, lines 20-67; col. 4, lines 1-59; col. 5, lines 25-52).

Regarding claim 5, Everingham further discloses that the shortest connection between the passage orifice and the outlet toward the passage orifice is blocked by a baffle wall, which extends transversely to the baffle plate (e.g. See Figs. 1-12; col. 3, lines 20-67; col. 4, lines 1-59; col. 5, lines 25-52).

Regarding claim 6, Everingham further discloses that the housing of the multi-purpose valve is divided in the region of the non-return valve plate, parallel to the latter, into a housing upper part and a housing lower part, the baffle plate, baffle wall and outlet being accommodated

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in the housing lower part (e.g. See Figs. 1-12; col. 3, lines 20-67; col. 4, lines 1-59; col. 5, lines 25-52).

Regarding claim 7, Everingham further discloses that the housing lower part has, on the outside, cooling ribs (e.g. See Figs. 1-12; col. 3, lines 20-67; col. 4, lines 1-59; col. 5, lines 25-52).

Allowable Subject Matter

Claim 3 is objected to as being dependent upon a rejected base claim, but would be allowable if rewritten in independent form including all of the limitations of the base claim and any intervening claims.

Since allowable subject matter has been indicated, applicant is encouraged to submit formal drawings in response to this Office action. The early submission of formal drawings will permit the Office to review the drawings for acceptability and to resolve any informalities remaining therein before the application is passed to issue. This will avoid possible delays in the issue process.

Prior Art

The prior art made of record and not relied upon is considered pertinent to applicant's disclosure and consists of five patents:

Fukuba et al. (Pat. No. 4270347), Naffziger (Pat. No. 5203872), Sumiyoshi et al. (Pat. No. 4232517), Katahira et al. (Pat. No. 4191013), and Naffziger et al. (Pat. No. 5421366) all disclose an exhaust gas secondary air for use with an internal combustion engine.

Conclusion

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Examiner Binh Tran whose telephone number is (571) 272-4865. The examiner can normally be reached on Monday-Friday from 8:30 a.m. to 5:00 p.m.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Thomas E. Denion, can be reach on (571) 272-4859. The fax phone numbers for the organization where this application or proceeding is assigned are (703) 872-9306 for regular communications and for After Final communications.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

BT
August 19, 2005



Binh Q. Tran
Patent Examiner
Art Unit 3748